Writing a Case Note

Legal Writing Series No. 1

Law Library, Monash University

What is a case note?

A ‘case note’ may mean either:

- A summary, based on an analysis of the case, or
- A summary plus a critical commentary.

Your assignment needs to be written in full. No dot points, no table format or any other note-taking style is permitted.

The summary needs to be written in cohesive paragraphs, citing the given case, and using your own words throughout.

The key sections involve analysing the ratio. The critique will be structured in an essay format - an introduction with thesis statement, body with sub-headings and topic sentences per paragraph, and a conclusion emphasising your argument.

What goes into a case summary or analysis?

This is your understanding of the case in your own words, as briefly and succinctly as possible (aim at less than 10% of the word count, or else proportional to the marks). It should include:

- choose the most authoritative report series
- case citation
- parties and brief facts
- type of court and history of the case
- date(s)
- judge(s)

and should then objectively cover the major aspects of the judgment, including:

- the major arguments presented by counsel
- ratio per judge (including commentary on the arguments presented)
- decision

Read your assignment instructions carefully to make sure you are emphasising those areas highlighted by your lecturers.

What goes into a case critique?

This has more marks, so you need to write analytically, creating an argument. This section is your opinion on the case and the judgment, analysing why you consider the case important.

Look for ‘grey’ areas arising from specific aspects of the decision. You may need to research the legislation and pay particular attention to the cases mentioned in the judgment.

This is basically a research essay, with all claims substantiated and referenced, and with a clear and logical argument defined by sub-headings. You should adopt a clear position from which to examine the significance of the case, so include a thesis statement in your introduction. In developing your argument, you will draw on the case and other materials to discuss why the case and the legal context are significant.

Depending on the assignment, you should:

- look for one or more major features
- analyse the strengths and weaknesses of the case
- consider possible areas of legislative reforms
- comment on how the legal arguments made by counsel have been used by each judge
- discuss the impact or significance of a case
- identify and analyse differences in the judges’ reasoning

Still confused?

Visit the Law Library Guide - Research and writing tab and select ‘writing case notes’ from the drop-down menu. Here you can find case note examples, more advice and useful links.

You can also look at published case notes or drop in to see a Learning Skills Adviser at the Research & Learning Point on Level 1 of the Law Library.

This is a general guide only, always check with your unit guide or lecturer.

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